

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Taiwan Jermaine Smith

Docket No. 2:13-CR-6-1BO

Petition for Action on Supervised Release

COMES NOW Lakesha H. Wright, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Taiwan Jermaine Smith, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Terrence W. Boyle, United States District Judge, on January 15, 2014, to the custody of the Bureau of Prisons for a term of 210 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On June 23, 2016, upon the granting of Smith's motion pursuant to 28 U.S.C. § 2255, the sentence was vacated. On July 20, 2016, the defendant was resentenced to 84 months imprisonment and 3 years supervised release.

Taiwan Jermaine Smith was released from custody on May 10, 2019, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 8, 2021, the defendant committed and was charged with Driving While Impaired: 1st Offense (GT21000311-00) in Suffolk, Virginia. He was ultimately held in custody without bond. On January 13, 2020, the defendant pled guilty to the offense and was sentenced to 90 days custody, which was suspended, and ordered to pay court costs and a fine. His operator's license was also suspended for one year and he was ordered to complete the Virginia Alcohol Safety Action Program.

On January 14, 2021, when confronted by the undersigned probation officer about his arrest, Smith admitted to consuming liquor at a bar in Virginia prior to operating his vehicle. He also acknowledged that he was only given permission by the probation officer to be in Virginia for work purposes. In response to the violations, it is respectfully recommended that the defendant's supervised release conditions be modified to include a curfew with electronic monitoring for a period of 60 days and drug aftercare treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Lakesha H. Wright
Lakesha H. Wright
U.S. Probation Officer
306 East Main Street, Room 306
Elizabeth City, NC 27909-7909
Phone: 252-335-5508
Executed On: January 15, 2021

ORDER OF THE COURT

Considered and ordered this 15 day of January, 2021, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
United States District Judge